

Notice of Allowability

Application No.

10/034,041

Examiner

Darren W. Ark

Applicant(s)

CONROY, JAMES J.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 10/6/04 & Telephone Interview 11/17/04.
2. ☒ The allowed claim(s) is/are 15,16 and 18-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Darren W. Ark
Primary Examiner
Art Unit 3643

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William C. Collard on Wednesday, November 17, 2004.

The application has been amended as follows:

Claim 15. A process for presenting insecticide comprising:

a) presenting a device having a base having a plurality of substantially straight elongated channels each having a surface on an exterior surface of said base, said device having a plurality of rows of protrusions each comprising at least two protrusions extending out from said base wherein at least one ~~each~~ of said plurality of substantially straight elongated channels extends along said base between at least two of said plurality of rows of protrusions, said plurality of substantially straight elongated channels for receiving and presenting insecticide;

b) inserting said insecticide into said at least one of said plurality of substantially straight elongated channels so that said insecticide rests in said at least one channel and is exposed; and

c) depositing said device on a surface wherein said plurality of rows of protrusions include at least two ~~sets~~ rows of protrusions that extend out in a

Art Unit: 3643

substantially vertical manner and at least two ~~sets~~ other rows of protrusions that extend out in a substantially horizontal manner and are used to keep said plurality of substantially straight elongated channels spaced a sufficient distance apart from an adjacent surface so that insects can access the insecticide.

Claim 16. The process as claimed in claim 15, wherein said insecticide is in the form of a gel substance and is injected along ~~an exterior surface of~~ said at least one channel.

Canceled Claim 17.

Claim 18, line 4, inserted --,-- after "indentations".

Claim 18, line 9, inserted --said-- before "at".

Claim 18, line 17, inserted --other-- before "rows".

Claim 19. A device for presenting insecticide comprising:

a) a base having a surface with a plurality of substantially straight elongated indentations each having a surface for receiving insecticide;

b) a plurality of spacing elements in the form of a plurality of rows of protrusions each comprising at least two protrusions, wherein at least one of said plurality of substantially straight elongated indentations extends along said base between at least two of said plurality of rows of protrusions, so that when the device is placed in use at least two of said plurality of rows of protrusions extend out from said surface on said

Art Unit: 3643

base in a substantially vertical manner, in a substantially opposite direction from each other, and at least two other rows of protrusions extend out from said surface on said base in a substantially horizontal manner, in a substantially opposite direction from each other;

c) an insecticide disposed on at least one of said plurality of substantially straight elongated indentations so that said insecticide is disposed on an exterior surface of said base and is freely exposed for interaction with said insects wherein said plurality of spacing elements are used to keep said insecticide off of, and spaced away from a corresponding adjacent substantially horizontal or vertical surface.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 15, the prior art of record does not disclose a process for presenting insecticide comprising presenting a device having a plurality of rows of protrusions each comprising at least two protrusions extending out from the base wherein at least one of the plurality of substantially straight elongated channels extends along said base between at least two of the plurality of rows of protrusions.

In regard to claim 18, the prior art of record does not disclose a process for presenting insecticide comprising presenting a device having a plurality of rows of protrusions each comprising at least two protrusions extending out from the base wherein at least one of the substantially straight elongated indentations extends between at least two of the plurality of rows of protrusions.

Art Unit: 3643

In regard to claim 19, the prior art of record does not disclose a device for presenting insecticide comprising a plurality of spacing elements in the form of a plurality of rows of protrusions each comprising at least two protrusions, wherein at least one of the plurality of substantially straight elongated indentations extends along the base between at least two of the plurality of rows of protrusions, so that when the device is placed in use at least two of the plurality of rows of protrusions extend out from said surface on the base in a substantially vertical manner, in a substantially opposite direction from each other, and at least two other rows of protrusions extend out from the surface on the base in a substantially horizontal manner, in a substantially opposite direction from each other.

In regard to claim 20, the prior art of record does not disclose a device for presenting insecticide comprising a plurality of rows of protrusions each comprising at least two protrusions wherein the plurality of rows of protrusions include at least a first row of protrusions disposed on one side of at least one of said plurality of substantially straight elongated channels and at least a second row of protrusions disposed on an opposite side of the at least one of the plurality of substantially straight elongated channels.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA